

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0966V

Filed: February 5, 2016

Unpublished

SARA DASHTY,

*

*

Petitioner,

*

*

*

SECRETARY OF HEALTH

*

AND HUMAN SERVICES,

*

*

Respondent.

*

*

Kevin Liebeck, Hodes Milman Liebeck, LLP, Irvine, CA, for petitioner.

Gordon Shemin, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On September 3, 2015, Sara Dashty (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act” or “Program”). Petitioner alleges that as a result of receiving an influenza (“flu”) vaccine on October 30, 2013, she suffered various injuries, including limited movement of her left arm and chronic regional pain syndrome (“CRPS”). *See generally* Petition. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On February 5, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Res. Rule 4(c) Rep. at 1. Specifically, respondent stated that “[t]he facts of this case support a finding that petitioner’s CRPS, more likely than not, was caused in fact by the administration of the flu vaccine on October 30, 2013.” *Id.* at 3. Respondent further agrees that petitioner

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

has met all of the statutory and jurisdictional requirements for compensation, including having suffered the effects or sequelae of her injury for more than six months after vaccine administration. *Id.*

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master